

Amendments to the Drawings:

The attached sheet(s) of drawings includes changes to FIG. 11. This sheet, which includes FIG. 11, replaces the original sheet(s) including FIG. 11.

Attachment: Annotated Sheet Showing Changes

Remarks

In view of the amendments and remarks presented herein, favorable reconsideration and allowance are respectfully requested. By this amendment, claims 1, 2, 21, 22 and 41 have been amended, and claims 4 and 24 have been cancelled. Claims 1-3, 5-23, and 25-41 are pending for examination. An annotated copy of FIG. 11 is also attached hereto.

The Examiner has objected to the drawings as failing to comply with 37 CFR §1.84(p)(5) because the following reference characters are allegedly not mentioned in the description:

- FIG. 1 - 202, 204;
- FIG. 3 - 8, 32; and
- FIG. 8 - 50.

Applicant notes that reference character 202 is mentioned on page 46, line 2. Reference character 204 is mentioned on page 63, line 13. Further, the specification has been amended to include additional mention of both reference characters on page 8 at lines 8-9.

The specification has also been amended to include mention of the reference character 8 on page 11 at line 30.

Applicant also notes that the specification mentions reference character 50 on page 47 at line 12, but Applicant has amended this portion of the specification to make it more apparent that the mention of "50" refers to a reference number.

The Examiner further objected to the drawings because the drawings did not include reference character 68 in FIG. 11. An annotated version of FIG. 11 has been provided showing reference character 68 as described in the original disclosure.

Finally, the drawings were objected to on the grounds that reference character 74 was used to refer to "case detail reports" in FIG. 11 and purports to refer to "database data exports" in the specification. Applicant respectfully points out that data exports include such things as reports generated from database data. Applicant has also amended the specification to make this more clear.

In light of these comments and amendments to the specification and drawings,

Applicant respectfully requests withdrawal of all objections to the drawings.

Claim 41 is objected to because of the improper use of punctuation. Applicant has hereby amended claim 41 to remove any improper punctuation and respectfully requests withdrawal of the objection.

Claims 1-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over CompWatch® (www.bsiweb.com, Benefit Software, 2002) in view of Jensen (U.S. Pat. No. 6,065,000). Applicant submits that the prior art of record does not teach or suggest all elements of the claimed combinations.

For example, claim 1 recites, *inter alia*, “automatically display an indication as to whether enough data characterizing the patient medical visits has been provided to determine whether the visit is OSHA-recordable.” Claim 21 recites a similar limitation.

According to the Office Action, CompWatch allegedly teaches this claim element in FIG. 3 and at paragraph 100. Applicant respectfully submits that this allegation is a mischaracterization of the teachings of CompWatch.

In paragraph 100, the CompWatch disclosure states “[i]f you are uncertain whether the claim is OSHA recordable, clicking on the large red check mark to the right of the ‘OSHA Recordable?’ field will bring up the OSHA Recordability Test Window. You answer a number of questions and the system will tell you if the claim must be reported to OSHA.” (CompWatch, para. 100).

Thus, the CompWatch system provides a series of questions asking at least the needed amount of information to make the “OSHA recordable” determination. There is no teaching or suggestion that the questionnaire would contain an inadequate number or type of questions such that a user responding to the questions would then be told that the information provided was insufficient. The system would only properly function if the user was asked a sufficient number of questions such that a determination could be made. Further, there is no teaching or suggestion that any indication is displayed regarding “whether or not enough data characterizing the patient medical visit has been provided to determine whether the visit is OSHA-recordable.” Instead, CompWatch teaches that “you answer a number of questions and the system will tell you if the claim must be reported to OSHA,” implying that there is always enough data gathered in the questionnaire to make such a determination. (CompWatch, para 100).

Contrastingly, under Applicant's system, it is possible that the data provided with reference to a patient medical visit is insufficient to make an "OSHA recordable" determination. Accordingly, Applicant's system may inform the user whether enough data has been entered to determine whether the medical visit is OSHA recordable.

For at least this reason, Applicant submits that claims 1 and 21 are allowable over the prior art of record. Claims 2-20 and 22-40 should be allowable based at least on their dependency from allowable claims 1 and 21.

Claim 41 recites, *inter alia*, "an electronic medical record module configured to... electronically dispatch an investigator to investigate one or more of the occupational health or safety incidents."

The Office Action concedes that CompWatch does not teach or suggest this claim element and introduces Jensen to compensate for the deficiency of CompWatch. According to the Office Action, Jensen teaches "an electronic medical record module configured to... electronically dispatch an investigator to investigate one or more of the occupational health or safety incidents" in Table 6 and Fig. 8. Table 6 is a listing of database fields that contains a field where it can be indicated to whom the investigation was assigned. Fig. 8 appears to be a report that indicates the current progress of an investigation. Nowhere, however, in the noted portions or otherwise, does Jensen teach or suggest that the system thereof "electronically dispatch[es] an investigator to investigate one or more of the occupational health or safety incidents." Simply because the status of an investigation can be tracked does not mean that the system teaches electronically dispatching an investigator.

Therefore, for at least this reason, Applicant submits that claim 41 is allowable over the prior art of record. Applicant also notes that claims 12 and 32 contain similar recitations and should also be allowable for at least this additional reason.

Based at least on the amendments and remarks presented herein, Applicant submits that claims 1-3, 5-23, and 25-41 are allowable over the applied references. Accordingly, reconsideration and allowance are respectfully requested. If the Examiner has any questions, she is invited to contact Applicant's undersigned agent at the number provided below.

Respectfully submitted,

JOSEPH et al.

By 

Bernard P. Tomsa

Reg. No. 60,121

Attorney/Agent for Applicant

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BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

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Fig. 11

